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In re Application of	:	
GILOH	:	
Application No.: 09/744,779	:	DECISION ON PETITION
PCT No.: PCT/IL99/00434	:	
Int. Filing Date: 05 August 1999	:	UNDER 37 CFR 1.181
Priority Date: 07 August 1998	:	
Attorney Docket No.: 01-055	:	
For: PROTECTIVE UNDERGARMENT	:	

This is a decision on applicant's facsimile filed in the United States Patent and Trademark Office (USPTO) on 13 September 2002. The papers are being treated as a petition under 37 CFR 1.181. In addition, this decision should be considered a reply to the status inquiry filed by facsimile 12 September 2002.

### **BACKGROUND**

On 05 August 1999, applicant filed international application PCT/IL99/00434, which claimed priority of an earlier application filed 07 August 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 February 2001.

On 29 January 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a copy of the International Search Report. An executed oath or declaration of the inventor as required by 35 U.S.C. 371 (c)(4) was not filed.

On 10 December 2001, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was provided two months in which to respond. Extensions of time were made available.

On 13 September 2002, applicant responded with the present petition accompanied by a copy of an executed combined declaration and power of attorney executed by Tamar GILOH, a

copy of an executed combined declaration and power of attorney executed by Tamar GILOH, a copy of a "Response to Notification of Missing Requirements Under 35 U.S.C. 371" dated 10 May 2002, a copy of a transmittal letter date 10 May 2002, a copy of a petition for a three-month extension of time and authorization to charge Deposit Account No.: 13-2490 the \$920.00 petition fee and a return postcard receipt with a 06 June 2002 USPTO date stamp.

### **DISCUSSION**

The evidence filed with the petition, namely the date stamped postcard receipt and petitioner's statement that the attached documents are copies of those previously mailed on 10 May 2002, is sufficient to establish that a response including the attached combined declaration and power of attorney were received and filed in the USPTO on 06 June 2002. Additionally, the papers received on 06 June 2002 were accompanied by a certification of mailing under 37 CFR 1.8 dated May 10, 2002. Accordingly, the papers are considered timely filed.

### **CONCLUSION**

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

This application is being forwarded to United States Designated/Elected Office (US/DO/EO) for further national stage processing, including according the application a 35 USC 371(c) date of **06 June 2002**.



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